

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	1:07-CR-19-1 (WLS)
	:	
EDDIE JAMES REED,	:	
	:	
Defendant.	:	
	:	

ORDER

Presently pending before the Court are Defendant Eddie James Reed's Motions for Reconsideration (Doc. 57; Doc. 65). As the Eleventh Circuit noted in Region 8 Forest Service Timber Purchasers Council v. Alcock, 993 F.2d 800, 805-806 (11th Cir. 1993), relief granted from motions for reconsideration are within "the sound discretion of the district judge." It is the practice of this Court to grant a motion for reconsideration only when the movant demonstrates that either: 1) there has been an intervening change in the law; 2) new and previously unavailable evidence has been discovered through the exercise of due diligence; or 3) the court made a clear error of law. McCoy v. Macon Water Auth., 966 F. Supp. 1209, 1222-23 (M.D. Ga. 1997).

Defendant's motions are predicated upon the erroneous belief that the amendments to the sentencing guidelines for certain cocaine offenses should have resulted in a reduction of the sentence he received pursuant to the Supreme Court's Kimbrough decision. (Doc. 57; Doc. 65). Defendant's sentence was not affected by the Amendments to 18 U.S.C. § 3582(c)(2) since he was sentenced as a career offender; thus, the original sentence imposed remains accurate. (Doc. 53). *See, e.g., United States v. Vasquez*, 558 F.3d 1224, 1228-29 (11th Cir. 2009) ("the career offender guideline, §4B1.1, raises no Kimrough problem"); United States v. Williams, 549 F.3d

1337, 1339 (11th Cir. 2008) (noting that “an individual convicted of a crack cocaine offense but sentenced as a career offender could not receive a reduced sentence under Amendment 706.”).

Accordingly, Defendant’s Motions for Reconsideration (Doc. 57; Doc. 65) are **DENIED**.

SO ORDERED, this 27th day of October, 2009.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT**